

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ABDI JAMA, et al.,

Plaintiffs,

v.

**Civil Action 2:15-cv-3013
Judge James L. Graham
Magistrate Judge Jolson**

**1st CLASS STAFFING,
LLC, et al.,**

Defendants.

REPORT AND RECOMMENDATION

On January 3, 2017, Defendants Jacobson Warehouse Company, Inc. and XPO Logistics, Inc. filed a Motion to Dismiss Claims of Plaintiffs Abdi Jama and Omar Hassan “due to their failure to prosecute this action and their complete non-participation in the discovery process.” (Doc. 30 at 1). On February 22, 2017, defense counsel filed a Motion to Withdraw as Counsel for Mr. Jama and Mr. Hassan, explaining that neither individual had “been responsive or cooperative,” despite “numerous efforts” to secure their cooperation and participation. (Doc. 39). As a result, the Court issued an Order on February 23, 2017, directing Mr. Jama and Mr. Hassan to show good cause within twenty-one days for why this action should not be dismissed for want of prosecution. (Doc. 41). At that time, Mr. Jama and Mr. Hassan were warned “that failure to comply with th[e] Order may result in the recommendation of dismissal.” (*Id.* at 2). Twenty-one days has passed and neither Mr. Jama, nor Mr. Hassan has filed anything with the Court.

Accordingly, it is **RECOMMENDED** that Plaintiffs Abdi Jama and Omar Hassan’s claims be **DISMISSED** for failure to prosecute and comply with this Court’s Order. It is

FURTHER RECOMMENDED that Defendants Jacobson Warehouse Company, Inc. and XPO Logistics, Inc.'s Motion to Dismiss Claims of Plaintiffs Abdi Jama and Omar Hassan be **GRANTED**.

Procedure on Objections to Report and Recommendation

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: March 17, 2017

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE